



\*W2913728\*

E# 2913728 PG 1 OF 5  
LEANN H KILTS, WEBER COUNTY RECORDER  
05-APR-18 255 PM FEE \$.00 DEF JKC  
REC FOR: WEBER COUNTY PLANNING

When Recorded, return to:  
Weber County Planning Division  
2380 Washington Blvd., Ste. 240  
OGDEN, UT 84401

Land Serial Number                    22-021-0127

3/24/2018

**PATHWAY EASEMENT AGREEMENT**

WHEREAS EDEN VALLEY DEVELOPMENT LLC, (“Grantor”) are the owners of certain real property (“Grantor Property”) more particularly described in the Grantor Property Description attached hereto as Exhibit “A” and incorporated herein; and

WHEREAS Grantor is willing to grant to Weber County Corporation (“Grantee”), a political subdivision of the state of Utah, an Easement through Grantor Property for a Pathway to be used by the public for non-motorized recreation and travel;

NOW THEREFORE, Grantor and Grantee agree as follows:

Grantor hereby grants and conveys to Grantee a perpetual 22-foot wide Easement and right-of-way over, across, and through the Grantor Property. [Said Easement is more particularly described in the Easement Description attached hereto as Exhibit “B” and incorporated herein.]

Said Easement shall be for a Pathway open to the general public for transportation and recreation uses. No motorized vehicles shall be permitted on the Pathway except for those operated by authorized personnel in the course of construction, maintenance, supervision, emergency rescue, or law enforcement. Grantee has full discretion to determine the design of the Pathway within the Easement, and to make any changes to that design in the future.

Grantee, its officers, agents, and employees, along with others authorized by Grantee to perform work, shall have the right of ingress and egress over and across Grantor Property for construction and maintenance of the Pathway, and shall have all rights reasonable, necessary, or incident to the grant of said Easement.

Persons using the Pathway do so at their own risk and without any charge for access. Neither Grantor nor Grantee assumes any duty to inspect or maintain the Pathway or warn of any defects or dangerous conditions.


If a Pathway user asserts a claim for bodily injury or property damage caused by an unsafe condition on the Pathway, and the unsafe condition was not the fault of Grantor or anyone on the Grantor Property at the invitation of Grantor, then Grantee agrees to defend such claim on behalf of both Grantor and Grantee and, if such defense is not

successful, to hold Grantor harmless from any judgment entered against Grantor on account of such claim.

All rights, title, and privileges herein granted shall run with the land and shall be binding upon and inure to the benefit of the parties and their successors in interest.

IN WITNESS WHEREOF the parties hereto have set their hands this 20 day of JUNE, 2017.

GRANTOR:

  
Howard Schmidt for

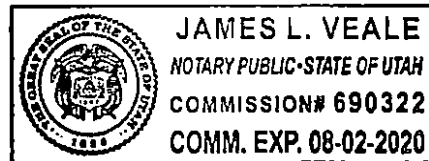
Eden Valley Development LLC  
Name

State of Utah            )  
                                  ss  
County of Weber        )

On this 20 day of June, 2017 personally appeared before me Howard S Schmidt and \_\_\_\_\_, known to me to be the persons whose names are subscribed to the within instrument, who acknowledged to me that they executed the same.

IN WITNESS WHEREOF I hereunto set my hand and seal.

\_\_\_\_\_  
Notary Public



GRANTEE:

WEBER COUNTY CORPORATION

By James Ebert  
James Ebert, Chair of the Board of County Commissioners

Attest:

Ricky D. Hatch  
Ricky D. Hatch, CPA  
Weber County Clerk/Auditor



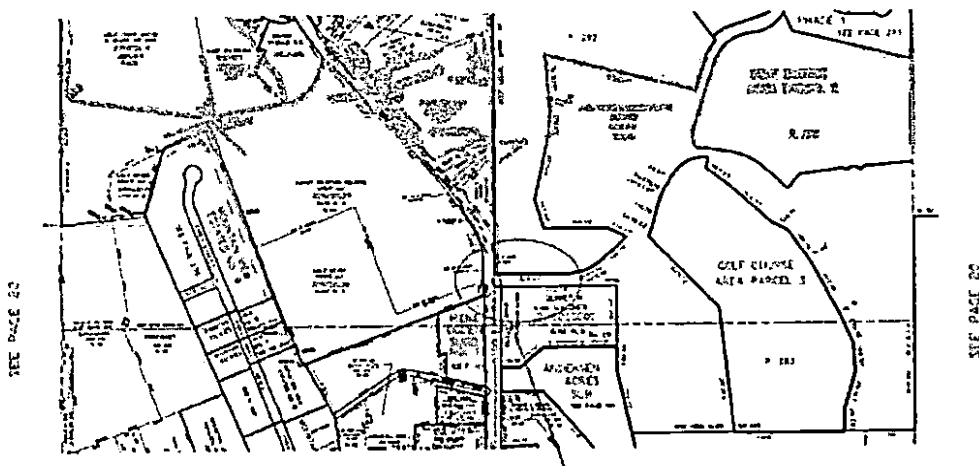


**EXHIBIT "A"**  
**GRANTOR PROPERTY DESCRIPTION**

A parcel of land in Weber County, Utah, having the Serial Number 22-021-0127 and more particularly described as follows:

Note that Parcel 22-021-0127 ownership was transferred from Dusty Shipp to Eden Valley Development in 2016.

**Plat as of 4/3/17**

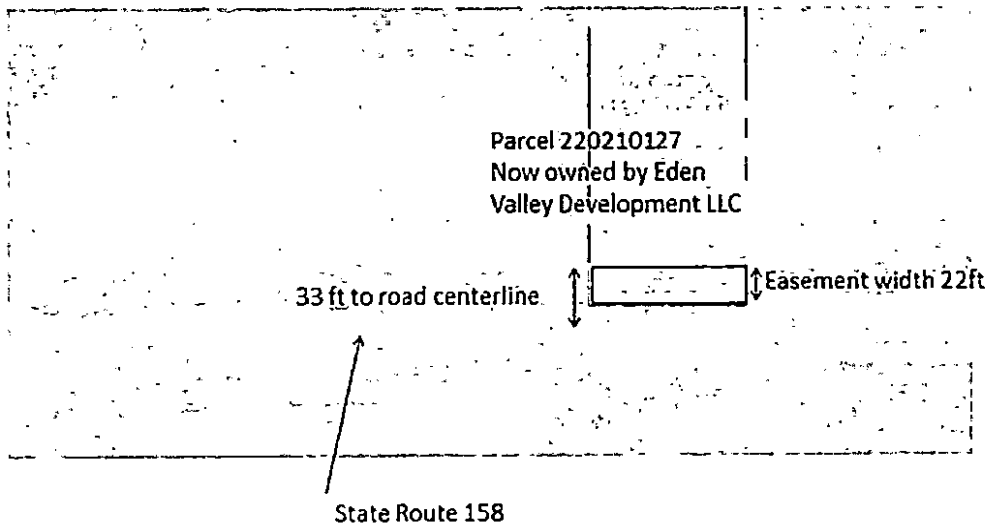


General area of requested easement

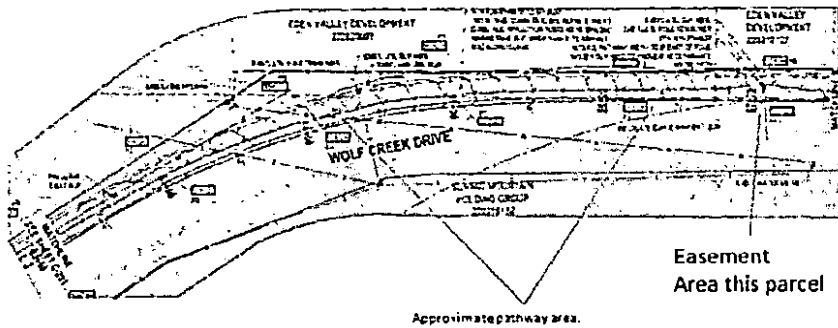
### EXHIBIT "B" EASEMENT DESCRIPTION

A 22 foot wide easement, running the full width of the grantors property, with an eastern boundary approximately 33 feet from the centerline of the existing Highway 158, as generally depicted in the graphic below; or the actual location of the constructed 10 foot pathway with one foot shoulders (12 foot total width), together with any installed drainage facilities, as negotiated by the grantor and grantee at the time of construction.

## Exhibit B for Easement Document



## Pathway Design



Excerpt from Ensign Engineering 10/24/16  
Note that parcel 22-021-0127 is now owned  
by Eden Valley Development LLC